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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1461st MEETING

Held at Headquarters, New York,
on Wednesday, 24 July 1996, at 3 p.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 3.35 p.m.

QUESTION OF EAST TIMOR (continued) (A/AC.109/2049 and Corr.1 and 2)

1. Mr. YARKA (Papua New Guinea), referring to the comments made by some petitioners at previous meetings concerning the visit made to Indonesia by the Ambassador and Permanent Representative of Papua New Guinea to the United Nations in June 1996, said that, since his delegation did not have a copy of the statement which was reported to have appeared in the local Indonesian media, it was unable to ascertain the validity of the interpretations made by those petitioners. The Ambassador of Papua New Guinea had travelled to Indonesia in his capacity as representative of his country and not as the Chairman of the Special Committee, since the invitation from the Government of Indonesia to the Government of Papua New Guinea had been issued long before he had assumed the post of Chairman of the Committee. The Ambassador of Papua New Guinea had at no time purported to represent the interests of any outside organization, including the Committee. The bilateral discussions between Papua New Guinea and Indonesia had been confined to bilateral issues of common concern. Papua New Guinea had reiterated its policy on decolonization and with regard to East Timor.

2. Papua New Guinea's perception of the realities in East Timor were totally different from the views and perceptions of other delegations, groups and individuals. The fact that Papua New Guinea was chairing the Committee did not mean that it adhered to the wishes and thinking of the Committee. The Committee had supported and upheld the principles and goals contained in the Charter of the United Nations in order to promote the inalienable right to self-determination of the colonized peoples, while other powers had tried desperately to undermine and destabilize the Committee's mandate.

3. Papua New Guinea maintained close and cordial relations with Portugal at the bilateral and international levels. Its position on East Timor was based on the factual events that had led to the current situation.

4. Portugal, which had been the administering Power in East Timor for many years, had abandoned the people of that Territory during the Second World War and at the time of the outbreak of the rebellion in 1974, when it had withdrawn precipitately from the Territory, thereby abdicating its legal and moral responsibility as an administering Power. That had led to a total collapse of civil order and bloodshed. Serious doubts were therefore raised about the genuineness of Portugal's position with regard to the problems and welfare of the people of East Timor.

5. At the time of the rebellion in East Timor, various political parties had competed to take political control of the Territory: one school of thought favoured total independence, while the other favoured integration with the Republic of Indonesia. Those who favoured integration felt that integration with the Republic of Indonesia had resolved the political crisis in East Timor, while those who opposed integration wanted to further disrupt civil order. In the view of Papua New Guinea, Indonesia's intervention had prevented further bloodshed. That explained the decision of the majority of the people of East Timor to seek integration with the Republic of Indonesia. Given the

current realities, it would be impossible for Portugal to be recognized as the legitimate authority over its former Territory.

6. Papua New Guinea fully supported the efforts made by the Secretary-General to facilitate consultations between Indonesia and Portugal with a view to reaching an amicable solution to the question of East Timor.

7. Mr. BAPTISTA (Indonesia), said that, for reasons which were well-known, his delegation rejected the inclusion of the so-called question of East Timor in the Committee's agenda or in any other forum, and objected to the use of the Committee by the former colonial Power and certain individuals for waging a disinformation campaign against Indonesia.

8. The people of East Timor had already determined their political future through a form of referendum based upon their traditional democratic practices and, in exercise of their right of self-determination, had chosen integration with Indonesia. On 17 July 1976, East Timor had become an integral part of the Republic of Indonesia, and its status was now irreversible. The people of East Timor had confirmed that decision in 1982, 1987 and 1992. In the general elections to be held in May 1997, the people of East Timor would once again be able to exercise their constitutional rights and responsibilities as citizens of the Republic of Indonesia.

9. In East Timor the erstwhile colonial Power had completely bungled the process of decolonization by abandoning the people to a tragic fate of civil war and chaos, resulting in the killings of thousands of East Timorese people. That breakdown of authority in the Territory had caused a massive exodus to the Indonesian province of West Timor. In November 1975, three months after Portugal's precipitate departure from East Timor, at a meeting in Rome between the foreign ministers of the two countries, Indonesia had urged the colonial authorities to return to East Timor and complete the process of decolonization in a just and orderly manner. Through its irresponsible departure on 26 August 1975, Portugal had forfeited any moral, legal, historical or other right to be considered the administering Power of East Timor. Portugal had remained silent about its so-called responsibility from 1976 to 1979 and the General Assembly resolutions during those years had made no mention of Portugal as the administering Power. Portugal now maintained that it was unable to carry out its responsibility under Article 73 e of the Charter of the United Nations. The people of East Timor did not consider their province to be a Non-Self-Governing Territory since they had their own Government. It was therefore high time for Portugal and its surrogates to recognize the reality of the integration of East Timor with Indonesia.

10. Since 1983, the General Assembly had deferred consideration of the question of East Timor. That decision reflected the growing realization among members of the international community of the true circumstances surrounding the process of decolonization and the actual situation prevailing in the province.

11. Indonesia had always responded positively to the initiative taken by the Secretary-General to hold a tripartite dialogue with the foreign ministers of Indonesia and Portugal. In June 1996, the eighth round of talks had been concluded, in which the two ministers had discussed in greater detail the

substantive issues related to an eventual framework for the achievement of a just, comprehensive and internationally acceptable solution to the question of East Timor. The Secretary-General had appealed to both parties to exercise restraint in order to maintain a favourable atmosphere for further progress towards a settlement of the question. That appeal had also been directed to East Timorese of all shades of opinion to prevent a detrimental impact to the dialogue.

12. It was regrettable that Portugal had never demonstrated its sincerity with regard to that dialogue. Instead, it had continued to wage a political campaign to score points in various forums, including the Committee, by circulating notes verbales and statements in which it repeated its allegations. That policy of double standards would not contribute anything to the efforts to seek a just, comprehensive and internationally acceptable solution. The Committee, which derived its mandate from the General Assembly, should follow the Assembly's example and delete the item from its agenda so that it would not be used as a political vehicle for the irresponsible actions of a former colonial Power.

13. The innovative idea of opening an interests section in Jakarta and Lisbon had been initially introduced by the Secretary-General in the tripartite talks held on 17 December 1992 in New York and aimed at promoting confidence-building measures between the two countries. Indonesia had responded positively, but Portugal had rejected the idea. Indonesia was pleased that Portugal was now willing to consider the proposal which the Secretary-General had made four years earlier. However, the establishment of an interests section could not be linked to other extraneous issues, such as the release of "Xanana" Gusmão.

14. Many of the allegations of human rights violations had been grossly exaggerated by Indonesia's detractors. Whenever incidents occurred that were contrary to its firm commitment to uphold and protect basic rights and fundamental freedoms, as had happened in Dili on 12 November 1991, the Indonesian Government took swift and decisive action to bring to justice those responsible, be they civilians or military personnel. Indonesia had continued its sincere efforts to resolve all outstanding issues related to the Dili incident. The number of those unaccounted for was now down to 54, after two more individuals had reported their whereabouts. It was possible that some of those still considered missing might be unwilling to come forward because they had gone into hiding or had left the country for Portugal. In 1993, Indonesia had established a National Commission for Human Rights and, in July 1996, the Commission had opened a branch office in Dili. The branch office in Dili would report with impartiality and objectivity all events concerning human rights violations and would help to implement the national action plan.

15. Since integration, the Government of Indonesia had committed itself to providing for the basic needs of the East Timorese people and to laying the foundation for the future, as could be seen from the fact that it had allocated six times more resources to East Timor than to any other province. The Government of Indonesia, a country comprising over 300 distinct ethnic groups and languages, had ensured and promoted the maintenance of cultural and linguistic diversity. Studies of the culture and of Tetum, the local language, had been included in the educational curriculum. To that end, reference books were being published for the teaching of the language in the public schools of

the Territory from the 1996-1997 school year. Indonesia's record on the question of freedom of worship, of religious tolerance and respect for and promotion of the cultural heritage was well established. On 3 February 1996, a new building in the Seminary of Our Lady of Fatima had been inaugurated at Balide, Dili. In 1975, there had been about 130,000 Catholics in the province. The figure was currently over 750,000. In 1975, there had been only 86 Catholic churches. Currently, there were 99 churches and 438 Catholic chapels. A forum for communication and consultation among the leaders of religions had also been established in 1994.

16. The Indonesian Government had permitted East Timorese youths at certain embassies in Jakarta to leave for the destinations of their choice. No country other than Portugal had supported their grounds for political asylum, since they were not being persecuted by the Indonesian Government. Their requests for political asylum were totally groundless in view of the fact that all other embassies had rejected them. The Government of Indonesia had also approved the requests of five freedom fighters to return to Indonesia following their exile in Portugal since the 1960s. Since the integration of East Timor into Indonesia, they had repeatedly attempted to return to their homeland, a goal that had finally been accomplished after long years in exile.

17. Equally preposterous were the allegations of "repression" in connection with a series of incidents that had taken place in the towns of Maliana, Uatolari and Dili, caused by the irresponsible behaviour of a correctional officer at the Maliana prison, whose remarks had offended the feelings of people of a different religion. Regrettably, it had developed into a riot with inter-ethnic and inter-racial nuances. The situation had swiftly returned to normalcy, thanks to the prudent action of the local authorities, in close cooperation with community leaders, including the Bishop of Dili. Those responsible had been brought to justice. It was regrettable that, according to the Government's findings, those incidents had been provoked by irresponsible parties intent on manipulating inter-ethnic differences for political purposes.

18. There was absolutely no truth to the contention that the province was closed to foreign observers. East Timor continued to be visited by numerous foreign personalities and dignitaries and members of the diplomatic corps, as had been the case during the previous six months. It was in that context that, at the invitation of the Indonesian Minister for Foreign Affairs, the Permanent Representative of Papua New Guinea to the United Nations had paid a visit to Indonesia, including to Irian Jaya and East Timor. The visit of Ambassador Samana, in his personal capacity, on 19 and 20 June 1996, had enhanced the bilateral relations between the neighbouring countries of Indonesia and Papua New Guinea.

19. The portrayal of the presence of the Indonesian armed forces in East Timor was false and reprehensible. The Military Operations Command had been disbanded and replaced by a District Command similar to those in other Indonesian provinces. Through its civic missions, the military had made an invaluable contribution towards the expediting of development efforts. Visitors to the province could witness for themselves the important work of the territorial battalions in building basic infrastructure. Between 1990 and 1996, the armed forces had constructed houses and various infrastructural works. The military

was one of the three pillars of development in East Timor and, together with the provincial government and the Catholic Church, it was working to enhance the welfare of the people of that province.

20. It was factually incorrect to indulge in misrepresentations regarding transmigration in East Timor. A resettlement policy was in existence in East Timor which was aimed at expediting the development of remote areas and improving the lives of the disadvantaged. In that context, the Indonesian Government encouraged skilled workers, mostly of the Catholic faith, to assist the local population in becoming self-sustaining and in developing their skills.

21. His delegation had noted the statements made by petitioners, who belonged to two groups. Those who were motivated to contribute to the improvement of the human rights situation based on and within the framework of the principles and mechanisms of the United Nations and others whose motivation was completely political and who were used as a political vehicle for certain countries. Indonesia was ready to cooperate with the first group. It wished to reiterate to the second, however, that it was a co-sponsor of General Assembly resolution 1514 (XV). That group should instead address its concerns to the former colonial power, which had failed to implement in East Timor the principles contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples and whose activities were focused on discrediting Indonesia by the dissemination of distorted information and by the visits of its representatives to Indonesia and East Timor as "tourists" for the purpose of instigating certain groups to oppose the Government and to create disturbances and trouble.

22. He would not respond to the outrageous allegations made against Indonesia so as not to waste the Committee's time. With regard to the absurd comparison between the economic progress of the members of the Association of South-East Asian Nations (ASEAN) and the alleged violations of human rights of their people, it sufficed to say that the concept of human rights of the people of those countries was universally acknowledged and, needless to say, the people of East Timor enjoyed those rights. At the ASEAN-European Union Summit held in Bangkok, the question of East Timor had not even been considered. The issue of the Moro National Liberation Front had nothing whatsoever to do with the question of the decolonization of East Timor. Indonesia, as Chairman of the Organization of the Islamic Conference (OIC) Ministerial Committee of the Six, had been mandated to oversee the peace talks between the Government of the Philippines and the Liberation Front, to which both parties had consented. It was absolutely untrue that the Indonesian armed forces used East Timor as a tactical training ground. On the contrary, the armed forces were involved mainly in civic missions. The promotion of Brigadier-General Prabowo of Kopassus to the rank of Major-General had been a reward for the successful mission to rescue the foreign hostages seized in Irian Jaya and had also been due to the enlargement of the unit to which he belonged.

23. For over four centuries, East Timor had been exploited for the benefit of the former colonial powers. It was high time for the Special Committee to accept the fact that the people of East Timor had exercised their right to self-determination and had chosen to integrate with the Republic of Indonesia.

24. Mr. SANTOS (Portugal), speaking in exercise of the right of reply, reaffirmed that his country had due respect for the views of countries in the region where East Timor was located, and emphasized the good bilateral relations it maintained with Papua New Guinea, which would not be affected by the comments that had been made. In reply to the statements of the representatives of Papua New Guinea and Indonesia, he wished to put on record that the Portuguese Government had not hastily abandoned East Timor and that it had always honoured its responsibilities. During and after the Second World War, Portugal had used all of the diplomatic and military resources at its disposal to restore the legal order and Portuguese sovereignty and to redress the terrible situation brought about by the invasion and occupation by Japanese imperial forces. In 1974-1975, it had done everything possible, considering the political situation prevailing at that time not only in East Timor but also in Portugal, to guide the decolonization process; it had remained in East Timor up to the last minute and had tried to bring the parties to the negotiating table with a view to ending the disturbances and restoring law and order. Indonesia had recognized at that time that Portugal had a special responsibility as the administering Power and also that the settlement of the question of East Timor must be based on the exercise of its people's right to self-determination. Since then, Portugal had remained in constant contact with Indonesia and with the United Nations; it had recourse to the Security Council and the General Assembly, and had always respected the relevant resolutions, unlike Indonesia, which did not recognize them.

25. Under the provisions of those resolutions, East Timor was a Non-Self-Governing Territory. Since 1975, even though Portugal had been forcibly prevented from carrying out its functions as the administering Power, it had sought only to restore the legal order and to enable the people of East Timor to exercise their right to self-determination in order to bring the decolonization process to a valid conclusion. The debates in the General Assembly had been postponed to enable the Secretary-General to use his good offices to find a just, comprehensive and internationally acceptable solution. The parties directly involved, Portugal and Indonesia, had agreed to that postponement.

26. With respect to the Indonesian delegation's request that Portugal should exercise restraint, it was necessary to exercise restraint both in word and in deed. Indonesia, which had illegally occupied East Timor since 1975, should also exercise restraint with respect to the Timorese people - as the Commission on Human Rights had asserted and as Indonesia had agreed as a member of the Commission - in order to rectify the situation in the Territory, which was a cause for "deep concern", as stated in the relevant declarations of the Commission.

27. After hearing the statistics and the report on the material progress made by the Indonesian administration in Timor, he did not understand why Indonesia was so afraid to let the Timorese people exercise their right to self-determination and decide on their future political status in a way that could be recognized by the United Nations. The representative of Indonesia had invoked the decision adopted by the Representative Assembly in 1975 as the basis for the legitimacy of Indonesia's annexation of Timor, but that decision had not been recognized by the United Nations or endorsed by any representative of the

international community. It was time to ascertain the real wishes of the people of East Timor with respect to any solution that might be found.

28. Mr. BAPTISTA (Indonesia), speaking in exercise of the right of reply, said that his country's position was clear and that he did not wish to prolong the debate.

29. The CHAIRMAN said that, as there were no more speakers, if he heard no objection the Special Committee would continue its consideration of the issue at its next session, subject to the relevant guidelines drawn up by the General Assembly at its fifty-first session.

30. It was so decided.

Special Committee decision of 15 August 1991 concerning Puerto Rico

31. The CHAIRMAN drew the Special Committee's attention to aide-mémoire 15/96, concerning the review of the Committee's method of work, especially with reference to its decision of 15 August 1991 concerning Puerto Rico. That aide-mémoire stated, "The Bureau notes that there has been an annual discussion in the Special Committee on the question of Puerto Rico, including a hearing with the organizations interested in the question, and the adoption of a resolution after the hearing. Regarding the postponement in 1992 of the discussion and decision on the item, it is recommended that this postponement be extended until 1997, pending the outcome of other consultations and subsequent steps that are continuing to be taken at various levels by the interested parties. The Bureau also suggests that the Special Committee give due consideration to requests for hearing on the basis of its usual practice".

32. The CHAIRMAN said that, if he heard no objection, he would take it that the Special Committee accepted the recommendation of the Bureau.

33. It was so decided.

Requests for hearing

34. The CHAIRMAN drew the Special Committee's attention to the requests for hearings, in relation to the report of the Pacific Regional Seminar and the implementation of the Declaration by the specialized agencies, contained in aide-mémoire 16/96, and said that, if he heard no objection, he would take it that the Committee granted those requests.

35. It was so decided.

QUESTION OF NEW CALEDONIA (A/AC.109/2046; A/AC.109/L.1850)

36. The CHAIRMAN drew the Special Committee's attention to a working paper prepared by the Secretariat (A/AC.109/2046) and to draft resolution A/AC.109/L.1850, and recalled the requests for hearing granted at the 1456th and 1459th meetings.

Hearing of petitioners

37. At the invitation of the Chairman, Mr. Uregei took a place at the petitioners' table.

38. Mr. UREGEI, speaking on behalf of the Congrès Populaire, said that his organization denounced and refused to recognize the Matignon Accords because it felt that they did not guarantee the independence of the Kanak people. The Prime Minister of France, supporting the position of the Rassemblement pour la Calédonie dans la République (RPCR) - in other words, the colonial right wing of Jacques Lafleur, President of the South Province - had imposed a regime of self-government in New Caledonia which no one had asked for, instead of granting independence, for which the Kanak people were struggling.

39. France had not recognized the proclamation of the Kanak people's sovereignty, made on 24 September 1994 by the 32 traditional Grand Chiefs, who were the true representatives of New Caledonia. All of the Melanesian countries of the South Pacific were independent; there was no reason why New Caledonia should not be also.

40. RPCR had proposed that the Accords should be extended for 19 years. It had practised a policy of mass immigration as a result of which the Kanak people was no longer the majority. The Framework Law, which had facilitated the independence process, had been modified. Also, the electoral register had been adulterated to enable the French to vote in the referendum. RPCR was applying colonial policies under the protection of the Government of France. The neutrality of the State was non-existent. Discussions on the consensual solution had led to self-governing status. Successive French Governments had maintained the colonial status of New Caledonia. The Kanak people wanted independence and had formed pro-independence parties which were carrying on the struggle for liberation throughout the country and would not rest until independence was achieved. The Caldoches, who were immigrants in New Caledonia and who promoted the colonial policies, did not represent the colonized people, i.e., the Kanak people. It was for the latter to decide its future. To avoid outbreaks of violence, the Congrès populaire proposed, as it had already done before the Regional Seminar at Port Moresby, that the matter should be submitted to the international community in order to avoid the sending of French troops to New Caledonia. Pursuant to the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee must inform the General Assembly of the political situation in the Territory and request that New Caledonia should once more be included in the list of territories to be decolonized. The South Pacific Forum could introduce the question of independence for New Caledonia in the Special Committee and the latter could, in turn, bring it to the attention of the General Assembly. He also recalled the decision adopted by the Regional Seminar on the sending of a mission to New Caledonia by the Special Committee.

41. The petitioner withdrew.

42. At the invitation of the Chairman, Ms. Winslow (Front de libération nationale Kanake socialiste) took a place at the petitioners' table.

43. Ms. WINSLOW (Front de libération nationale Kanake socialiste) said that the impact upon French public opinion of the massacre of members of the Front de libération nationale Kanake socialiste (FLNKS) which had taken place on 5 May 1988 in Ouvéa had made it possible to begin negotiations in June of that year. The negotiations had led to the signing of the Matignon and Oudinot Accords by the Government of France, the Rassemblement pour la Calédonie dans la République (RPCR), which represented those elements of the population of New Caledonia which were opposed to independence, and FLNKS. The Accords had begun a 10-year institutional and political process with the adoption of economic and social readjustment measures aimed at promoting decolonization and creating the necessary conditions for the exercise of self-determination through a referendum which was to take place in 1998.

44. The Accords had not been a final solution. FLNKS, faced with overwhelming forces, had been obliged to negotiate and had shown courage and a sense of responsibility by signing the Accords, trusting in France's ability to recognize the legitimacy and justice of the cause of the Kanak people. However, the French Government had refused to implement the provisions of General Assembly resolutions 1514 (XV) and 1541 (XV), showing that it was not prepared to carry through the decolonization process in accordance with the principles of the United Nations, and it still considered the claims of the Kanak people as a matter of internal politics.

45. After eight years, the readjustment process had achieved considerable progress thanks to institutional decentralization. The provinces created under the Matignon Accords had been given broad authority and substantial financial resources. That had made it possible to implement policies which were better adapted to local conditions in the areas of health and education, particularly in the provinces of the North and the Iles Loyauté, controlled by the FLNKS, which had succeeded in catching up to a considerable extent in the areas of infrastructure and public services, and achieving major progress in the economic sphere.

46. Nevertheless, that progress had not been sufficient to achieve the economic renewal of those two provinces or to make up for the economic and financial preponderance of the province of the South, headed by Jacques LaFleur, the leader of the movement opposed to the country's independence. The supporters of the colonial status quo used the pretext of that insufficient economic, social and cultural readiness to call into question the cause of independence. FLNKS, for its part, considered that independence was the only guarantee of permanent political and institutional stability, which was a necessary condition for sustainable economic and social development.

47. In 1993 FLNKS had requested that talks should begin among the three parties to the Matignon Accords to prepare for the 1998 referendum. The first meeting, chaired by the French Prime Minister, Alain Juppé, had been held in Paris on 16 October 1995 to agree on the modalities of the talks. Official negotiations had begun on 16 February 1996 in New Caledonia under the chairmanship of the Minister for Overseas Departments and Territories, Jean-Jacques de Peretti. RPCR had proposed a broad self-governing status for a period of 30 years, whereas FLNKS had proposed that New Caledonia should accede to independence and sovereignty in 1998. It had been hoped that negotiations on the two options

would take place to arrive at a solution which would be acceptable to all. However, on 19 April 1996 Prime Minister Alain Juppé had rejected the FLNKS position outright, declaring that the independence of New Caledonia was incompatible with the consensus approach defined on 16 October 1995. On behalf of the French State, he had proposed a broad self-governing status for 10 years, with extended powers for local institutions, the adoption of measures of economic support and the holding of a vote on self-determination.

48. FLNKS had considered that the position of the French State was tantamount to declaring a premature end to the negotiations and that, by favouring the option of keeping New Caledonia within France with a broad self-governing status, it was breaking the promise made by the French people which had approved by referendum the Matignon and Oudinot Accords on 9 November 1988, thereby accepting de facto that the act of self-determination in 1998 would be a vote on whether New Caledonia should accede to independence.

49. FLNKS had therefore decided to break off negotiations, declaring that the settlement of the colonial issue and the question of New Caledonia's accession to sovereignty and independence should be settled by negotiation between the Kanak people and France, and had requested the French State to take the necessary measures for the resumption of dialogue within that framework.

50. After a delay of two months, France had agreed to that request and sent the Minister for Overseas Departments and Territories, Jean-Jacques de Peretti, to resume the dialogue with FLNKS. That had enabled a new negotiating framework to be defined. To begin with, bilateral negotiations were to be held between the French State and FLNKS to reach a framework agreement on the option for settlement of the colonial dispute and the country's accession to independence and, at a later stage, the holding of negotiations with RPCR and the country's other political groups on that framework agreement.

51. At the current stage in New Caledonia's history, its future was surrounded by uncertainty. FLNKS therefore requested the support of the United Nations, and asked that the Organization should inform France that New Caledonia was on the list of Non-Self-Governing Territories and that, as the administering Power, France was responsible for carrying out its decolonization; its duty to fulfil the promise made in 1988 by the French people, which must result in real and positive respect for the desire of the Kanak people to accede to independence; its duty to follow through with the decolonization of New Caledonia, a process which had begun timidly with the Matignon and Oudinot Accords, and to provide New Caledonia with the necessary means for its development, and the need to give priority to negotiations with the representatives of the Kanak people on the option of the country's accession to the exercise of sovereignty and independence, within the framework of the current negotiations and in the perspective of the act of self-determination which was due to take place in 1998.

52. The petitioner withdrew.

53. The CHAIRMAN said that FLNKS had given him a file of background documents on New Caledonia. It would be included in the archives of the Committee secretariat and would be available to all delegations.

Draft resolution A/AC.109/L.1850

54. The CHAIRMAN said that apropos of the subject under discussion, the Committee had before it draft resolution A/AC.109/L.1850, which would be introduced by the representative of Papua New Guinea.

55. Mr. YARKA (Papua New Guinea), introducing draft resolution A/AC.109/L.1850, said that the Melanesian leaders who had participated in the 10th meeting of the Melanesian Spearhead Group, held in June 1996 in Papua New Guinea, had reaffirmed their support for the decolonization process in New Caledonia, called upon the parties to the Matignon Accords to live up to their commitments and pursue their dialogue with a view to the holding of a referendum, and urged the indigenous parties in New Caledonia to adopt a common position on the political and economic development of their country.

56. He commended the efforts made by France and the other participants in the decolonization process, and said that in his view the Matignon Accords afforded an opportunity for all concerned to contribute to the creation of a situation where the right to self-determination could be effectively exercised. He also acknowledged with satisfaction that the Government of France had allowed foreign leaders to establish contacts with the people of New Caledonia for the purpose of ascertaining how much progress had been achieved in the political, institutional and economic spheres.

57. However, the exercise of the right to self-determination would be adversely affected unless the interests of all parties, particularly the indigenous Kanaks, were taken into account. In that connection, the Committee should call upon the Administering Power to devote particular attention to the registration of voters in preparation for the 1998 referendum. It was also essential for the native Kanaks to be aware of their rights relating to traditional values, practices and law, especially the right to own property and to exploit natural resources, so that they could participate in the development of their country.

58. The CHAIRMAN said it was his understanding that the Special Committee was prepared to approve the draft resolution without a vote.

59. Draft resolution A/AC.109/L.1850 was approved without a vote.

60. The CHAIRMAN announced that the Committee had concluded its consideration of the agenda item.

QUESTION OF WESTERN SAHARA (A/AC.109/2059)

61. The CHAIRMAN informed the meeting that the Algerian delegation had asked to participate as an observer in the Committee's consideration of the question. In accordance with established practice, if there were no objections he would take it that the Committee agreed.

62. It was so decided.

63. At the invitation of the Chairman, the representative of Algeria took a place at the Committee table.

64. The CHAIRMAN directed the Special Committee's attention to the working document presented by the Secretariat (A/AC.109/2059).

65. At the Chairman's invitation, Mr. García (Liberal International and Unión Centrista) was seated at the petitioners' table.

66. Mr. GARCÍA said that at its 47th Congress, the Liberal International had passed a resolution expressing its concern at the decision adopted by the Security Council on 29 May not to organize the referendum that would have enabled the Saharan people to decide the future political status of Western Sahara, reiterating the Liberal International's support for the holding of a fair and clear referendum, expressing its confidence that Spain (as the metropolitan Power) and the United Nations would assume responsibility for finding a peaceful solution through the application of its resolutions and the settlement plan, strongly condemning the Kingdom of Morocco for its attempts to manipulate the referendum, and calling upon the United Nations to maintain MINURSO troops in the territory.

67. In passing that resolution, the Liberal International had expressed the concern felt by all liberals for the future of Western Sahara. The Saharan people had been waiting for 20 years for their final decolonization. The Liberal International asked the Special Committee to analyse the situation in depth and develop proposals whereby the objectives set forth in the relevant resolutions of the United Nations and the Organization of African Unity might be attained.

68. In his capacity as the General Coordinator of the Unión Centrista, he pointed out that Spain was directly responsible for the Saharan people's current situation and should cooperate in working out a definitive, equitable solution. He urged the Government of Spain to insist on the implementation of the plan to hold a fair and transparent referendum for the self-determination of the Saharan people.

69. The Unión Centrista requested the assistance of the international community in preventing the Moroccan regime from ruining years of patient work by the United Nations. It wanted MINURSO to remain in place to ensure that the outcome would be implementation of the settlement plan, not consolidation of the status quo. While it was essential to make sure that the new turn of events did not lead to a renewal of hostilities, the objective that had given rise to the settlement plan, namely a just and democratic definitive solution arrived at by consulting the Saharan people in clear and unambiguous terms, was more important still.

70. The Saharan Arab Democratic Republic was a legitimately constituted sovereign State that had been recognized by more than 70 States. He asked the Committee to issue a call for universal recognition of the Republic so that the two parties to the conflict would be on an equal footing in terms of their legal status. It was the Special Committee's duty to be vigilant on behalf of the rights of peoples, and it had a moral obligation to submit to the General Assembly measures that would put the situation back on track and compel the

Kingdom of Morocco to accept a referendum for Western Sahara in which only Saharans would vote.

71. The petitioner withdrew.

72. At the invitation of the Chairman, Mr. Boukhari (Frente POLISARIO) took a place at the petitioners' table.

73. Mr. BOUKHARI said that the peace process which should have led to the holding of a referendum by which the Saharan people would have determined their own future, had ended in total deadlock. The Secretary-General's recent report to the Security Council was a clear acknowledgement of the failure of the latest attempt by the United Nations to bring about the definitive decolonization of Western Sahara. That failure did not enhance the Organization's credibility.

74. As far as possibilities for a solution went, the Western Sahara conflict was more promising than any other. It was a decolonization problem. There was a peace plan which, after six years of negotiation, had been approved by both parties and the Security Council. The parties to the conflict were clearly defined: they were the Kingdom of Morocco and the Frente POLISARIO. The application of the solution set forth in the peace plan would not be a complex matter. Lastly, the fact that the cease-fire had held was enabling the United Nations mission to carry out its task in safety.

75. The open obstructionism, intransigence and arrogance of Morocco were the basic reason why the settlement plan had failed. The United Nations had not taken a firm stand vis-à-vis Morocco, whose strategy was either to impose a fraudulent referendum or to force the United Nations to admit failure. Morocco wanted the United Nations to limit itself to supervising a ceasefire that would protect the colonial occupation of the Territory indefinitely. That situation implied a radical change in the mandate of the United Nations, which would not be achieving decolonization, but rather protecting an illegal occupation. It had been the supine attitude of the United Nations towards Morocco's intransigence that had allowed the violation of the original 1991 settlement plan and the introduction of criteria developed by the occupying Power for the preparation of the electoral roll. As a result, Morocco had moved into the Territory a Moroccan population that was three times as numerous as the indigenous Saharan population with a view to having the United Nations include the names of the people concerned on the list of voters. That was also the reason why MINURSO had not yet submitted the results of the Identification Commission's work to the parties.

76. The Frente POLISARIO was prepared to engage in direct negotiations with Morocco to help the United Nations develop solutions to the problems that were still unresolved and to help create a political climate in which it would be possible to attain the objective of the settlement plan, namely a free and fair referendum, not the preservation of the status quo.

77. One of the most tragic consequences of the colonial occupation was the systematic political repression of the Saharan civilian population in the occupied areas, as demonstrated by the reports of Amnesty International and Human Rights Watch. The Moroccan authorities had not been daunted by the

presence of MINURSO in the Territory. The Frente POLISARIO had informed the Security Council and MINURSO periodically about the deterioration in the human rights situation in the areas under Moroccan occupation and about the wave of arrests and imprisonments. The United Nations had done nothing to determine the whereabouts of hundreds of Western Saharans who had been abducted by the Moroccan authorities prior to and after its Mission's arrival in the Territory. MINURSO should demand respect for the norms of humanitarian law in a Territory where it was carrying out a mission on behalf of the international community.

78. The decolonization of Western Sahara, the last colony on the African continent, was a serious challenge for the United Nations. The persistence of such injustice was an affront to all States Members of the United Nations, especially in the context of the International Decade for the Eradication of Colonialism. Until 1975, Western Sahara had been a colony under Spanish occupation which had been scheduled to accede peacefully to self-determination and independence in accordance with the provisions of General Assembly resolution 1514 (XV). When the General Assembly had been about to adopt decisions to expedite the decolonization of the Territory, Morocco had decided to annex it by force thus aborting the decolonization process following a secret agreement with the former colonial Power, Spain. The United Nations had been able to do nothing to stop the Moroccan army, but the Saharan people had resisted the aggression and many countries, mainly in Africa and Latin America, had supported its just cause.

79. After 15 years of armed conflict, the United Nations had advocated the holding of a referendum in order to try to resolve the problem; that initiative had been welcomed by the Frente POLISARIO. At one point, the United Nations had decided that the referendum would be conducted in the presence of the Moroccan army and administration and had said that it would have to be trusted to live up to its moral and political authority. The United Nations had given assurances that the people eligible to vote would be the Western Saharans who had been counted in the last census undertaken by Spain before its withdrawal from the Territory, as stated in the settlement plan that both parties had accepted. Although circumstances had not been conducive to a meaningful referendum on decolonization, the Frente POLISARIO had decided to put its trust in the United Nations. When that implementation of that lopsided settlement plan had begun, Morocco had violated the agreed ceasefire and forced a change in the plan in order to include in the electoral roll Moroccan subjects who had either been transferred or were in the process of being transferred to the Territory. Currently, over two thirds of the applications received by the Identification Commission were from Moroccan settlers or subjects who were still resident in Morocco.

80. Instead of implementing and enforcing the settlement plan prepared with the agreement of the two parties and the support of the international community, the United Nations had accepted Morocco's new demands, setting the stage for possible fraud. The Frente POLISARIO had made a fresh political gesture and had continued to place its trust in the organization. As the Secretary-General recognized in paragraph 26 of his report to the Security Council of May 1996, Morocco had rejected the suggestion that the voter identification process should be conducted in a transparent manner.

81. Now, several years after the preparation of the settlement plan and following 20 years of illegal occupation of the Territory, the people of Western Sahara and international public opinion were being told that conditions for the holding of a fair and honest referendum did not exist. One had to wonder what had changed in the intervening years. It was not possible to draw a definite conclusion as to the true causes of the failure, which could have and should have been avoided, of a peace process which had given rise to so much hope among those who, like the Saharan people, trusted and were willing to continue to trust in the capacity and credibility of the United Nations.

82. While the real and only reason did not appear in the report submitted to the Committee, it could be found in a dispatch of a prestigious European news agency which quoted from a speech made by the King of Morocco on 7 July 1996 in which he stated that, with or without a referendum, Morocco would not leave Western Sahara. The United Nations should draw the appropriate conclusions from the deliberate obstruction on the part of the Government of Morocco of any attempts to make progress towards a just and definitive solution to that long conflict. The yearly extension of the ceasefire with no other prospects than those envisioned by the King of Morocco in the above-mentioned speech would serve only to perpetuate a colonial situation. It was therefore an unacceptable course of action which jeopardized lasting peace in an important region of the world. The Frente POLISARIO believed that there was still enough time before the year's end for all, including the Security Council and the General Assembly, to join the efforts to restore confidence in the credibility of a process that would lead to a fair and transparent referendum worthy of the principles and resolutions inspired by the Special Committee on Decolonization.

83. The petitioner withdrew.

84. The CHAIRMAN suggested that the Special Committee should transmit all the relevant documentation to the General Assembly, subject to any guidelines that the General Assembly might wish to provide on that subject at the fifty-first session and in order to facilitate the consideration of the question by the Fourth Committee.

85. It was so decided.

QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES (A/AC.109/L.1848 and L.1849)

86. The CHAIRMAN drew the Special Committee's attention to the report on the subject contained in document A/AC.109/L.1848 and to draft resolution A/AC.109/L.1849.

87. Mr. RIVERO ROSARIO (Cuba) announced that the delegation of Papua New Guinea had joined the sponsors of the draft resolution and proposed that, on the basis of the information provided by the petitioners and of the decisions of the twenty-third Guam legislature, draft resolution A/AC.109/L.1849 should be amended in order to add a new preambular paragraph and a new operative paragraph. The new preambular paragraph, to be inserted between the last and penultimate paragraphs of the preamble, would read as follows:

"Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar for sending a visiting mission to Guam and taking note of the Resolution No. 464 (LS) adopted on 19 July 1996 by the 23rd Guam legislature which requested the dispatch of a United Nations visiting mission to that Territory,"

The text of the new operative paragraph would read as follows:

"Requests further its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory."

88. The CHAIRMAN proposed that the new operative paragraph should be paragraph 5. He took it that the Special Committee was prepared to adopt the draft resolution, as orally amended, without a vote.

89. Draft resolution A/AC.109/L.1849, as orally amended, was adopted without a vote.

REPORT OF THE PACIFIC REGIONAL SEMINAR (A/AC.109/2058)

90. The CHAIRMAN, drew the Committee's attention to the report on the Pacific Regional Seminar contained in document A/AC.109/2058 and said that, if he heard no objections, he would take it that the Special Committee wished to take note of it.

91. It was so decided.

The meeting rose at 5.50 p.m.